
**State Government Operations &
Accountability Committee**

HB 2158

Brief Description: Modifying election laws.

Sponsors: Representatives Nixon, Schindler, Clements, Sump, Anderson, Walsh, Jarrett, Rodne, Skinner, McDonald, Woods, Serben, Shabro, Kristiansen, Newhouse, Talcott and Holmquist.

Brief Summary of Bill

- Changes the date of the primary to the third Tuesday in August;
- Requires persons registered to vote before July 1, 2005, to re-register or vote a provisional ballot;
- Requires a person to register 30 days prior to an election in order to vote in that election;
- Requires a monthly comparison of the statewide voter registration database with lists of known felons and lists of known deaths;
- Allows a period of 24 hours for counties to amend final election certification; and
- Calls for a new election in instances where the variance in ballots exceeds the margin of victory.

Hearing Date: 2/28/05

Staff: Marsha Reilly (786-7135).

Background:

The recent gubernatorial election was the closest statewide election in state history. After two recounts and two court battles in front of the state supreme court, Governor Gregoire was certified the winner by the Secretary of State. The margin of victory was 129 votes out of over 2.8 million votes cast. An election contest was filed in superior court and is pending as of this date. Due to the closeness of the race and the related litigation, much attention has been focused on state election laws.

Summary of Bill:

The bill adds new provisions and amends existing statutes relating to elections.

Date of the Primary

The date of the primary is changed from the third Tuesday in September to the third Tuesday in August, and the date for filing a declaration of candidacy is changed from the fourth Monday in July to the fourth Monday in May. The 30-day post session freeze for solicitation and/or acceptance of contributions for candidate campaigns is changed to end on the day of final adjournment of a regular legislative session.

Voter Registration

Any person who registered to vote prior to July 1, 2005, will be moved to inactive status effective July 1, 2007. Those voters may continue to vote, but only on a provisional ballot unless they re-register. Provisional ballots for these purposes shall be counted.

"Residence address" is further identified as the physical location of where a person lives. A voter may designate only one primary residence for voting purposes, although a different mailing address may also be listed for purposes of mailing ballots and information. The primary address may not include a private or public post office box or any other place where a person could not live. Persons that do not have a primary residence or whose identity is legally protected may list the county courthouse as their primary residence.

A person must register to vote at least thirty days before the election or primary in order to vote at the election or primary. Provisions allowing persons to register to vote 30 days before an election by absentee ballot are removed and provisions relating to late registration that take effect January 1, 2006, are repealed.

Voter Registration Database

The Secretary of State is directed to arrange for monthly comparisons of the voter registration database with any lists of known felons and lists of known deaths. Registrations shall be cancelled for those whose names appear on the voter registration database and any of the felon or death lists. The voter registration database must also be checked at least monthly to screen for duplicate names. Duplicate registrations must be cancelled. Cancellation notices must be sent to any person whose registration is cancelled through these monthly comparisons. Such notice will set forth a method of appealing the action.

Felons granted a certificate of discharge by a court must provide a certified copy to the Department of Corrections and the Washington State Patrol within 30 days from the day the court grants the certificate. A certified copy must also be provided to the elections officer when registering to vote.

Ballots

All ballots, including provisional ballots, regular ballots to be voted at the polls, and absentee ballots must be distinctive in color. The color scheme must be applied to any related materials including inner security envelopes and outer return envelopes. The ballots also must be imprinted with a bar code that will identify it as a regular ballot, absentee ballot, or provisional ballot. Poll-site counting machines must be programmed to count only those ballots with a poll-site bar code. The bar code must not identify the voter.

Absentee ballots must be returned by 8 P.M. on the day of the election or primary for which the ballot was issued. Military ballots must be signed by 8 P.M. on the day of the election and received by the appropriate county auditor by 5 P.M. on the day of the final county certification.

Poll Site Voting

A voter who votes at a poll site must show a photo identification to the precinct election officer who has the list of registered voters. The photograph and signature will be compared with the appearance of the voter and the voter's signature. Any discrepancies will be noted and transmitted, along the voted ballots, to the county auditor. The Secretary is authorized to adopt rules for acceptable forms of identification, any of which must contain a photograph of the voter and the voter's signature. A Washington driver's license or identicard or a U.S. passport shall be acceptable forms of identification.

Provisional Voters

The names and addresses of provisional voters is not a matter of public record and no one other than an election officer may make contact. If there is an instance in which more information is needed, the election officer shall contact the voter by first class mail within forty-eight hours and inform the voter of relevant deadlines.

Penalties

All cases regarding voter violations, unqualified registrations, repeat voting, unqualified persons voting, unlawful acts by voters, or unlawful receipt of or voting an absentee ballot must be referred to the local prosecuting attorney. The prosecutor, in turn, must submit to the Secretary a list of the referrals, along with the basis for and final disposition of the referrals.

The violation of registering to vote without the legal qualifications is changed from a misdemeanor to a class C felony. The violation of voting or attempting to vote more than once at any election is changed from a gross misdemeanor to a class C felony.

2wElection Certification

After the last county has certified its final count, there shall be a period of 24 hours in which any county may amend its final certification to correct election board errors or count military ballots voted in a timely fashion but received after certification.

Before final certification of election returns, the county will reconcile the number of ballots counted and the number of voters credited with having cast a counted ballot for each precinct. Any variance will be reported. If the total number of ballots without voters and voters without ballots exceeds the winning margin in any election or primary, the election or primary is void, no certificate of election may be issued, and a revote of that election must be held within 60 days

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.